

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

J. DOE 4 *et al.*, individually and on behalf of
all others similarly situated,

Plaintiffs,

v.

ELON MUSK *et al.*,

Defendants.

Case No. 8:25-cv-00462-TDC

PLAINTIFFS' REQUEST FOR MODIFICATION OF SCHEDULING ORDER

Plaintiffs respectfully move for this Court to grant their Request for Modification of Scheduling Order, and in support show the following:

INTRODUCTION AND BACKGROUND

On September 4, 2025, the Court entered a Scheduling Order, ECF No. 155, which provides that “any party who believes that any deadline or requirement” provided by the Scheduling Order may file “a written request” to modify the order and “must notify the Court of that request by docketing the request on CM/ECF by close of business on [September 15, 2025].” ECF No. 155 at 1-2. The parties filed their Initial Joint Status Report pursuant to the Scheduling Order on September 15, 2025, ECF No. 156, noting that Plaintiffs seek to modify the scheduling order to expand the number of deposition hours from twenty-five hours to forty hours. This request for modification follows.

ARGUMENT

When there is no court order changing the standard amount, the Federal Rules of Civil Procedure provide up to ten depositions per party without leave of court. FED. R. CIV. P. 30(a)(2). Each deposition may last up to seven hours by rule, FED. R. CIV. P. 30(d), thus allowing for up to seventy total hours for depositions unless modified. Here, the Court has provided up to twenty-five hours per party for fact witness depositions. ECF No. 155. Plaintiffs request that the Court modify the Scheduling Order to allow for up to forty hours for fact witness depositions.

Plaintiffs seek to depose at least the following individuals: Elon Musk, John Vorhees, Gavin Kliger, Brian McGill, Luke Farritor, Peter Marocco, and Jeremy Lewin. These depositions are necessary to provide evidence of the “actual decision makers” at USAID, which is “necessary to assess the scope and breadth of the alleged Appointments Clause violation.” Mem. Op., ECF No. 150 at 43. Plaintiffs anticipate that each deposition will require five to seven hours on the record which would exceed the current twenty-five hours allotted in the scheduling order. Additional hours are required for Plaintiffs to obtain and provide this Court with evidence of the Appointments Clause violations by Defendants Musk and DOGE. Thus, Plaintiffs seek modification of the scheduling order to allow forty total hours for depositions of fact witnesses.

REQUESTED RELIEF

Current Scheduling Order Limits	Proposed New Limits
25 hours of depositions of fact witnesses, including parties	40 hours of depositions of fact witnesses, including parties

CONCLUSION

For the reasons provided herein, Plaintiffs ask this Court to grant their Request for Modification of Scheduling Order.

Respectfully submitted,

/s/ Tianna J. Mays

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CERTIFICATE OF CONFERENCE

Plaintiffs' counsel and Defendants' counsel conferred about Plaintiffs' Request to Modify. Defendants maintain that (1) discovery is unnecessary and should not proceed at this juncture and (2) if discovery is to proceed, that Plaintiffs should exhaust the 25 hours of deposition time allotted before seeking additional time from the Court. *See also* Initial Joint Status Report, ECF 156.

This 15th day of September, 2025.

/s/ Tianna J. Mays

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CERTIFICATE OF SERVICE

I hereby certify that on the date below, I electronically served Plaintiffs' Request for Modification of Scheduling Order on all counsel of record by using the CM/ECF system.

This 15th day of September, 2025.

/s/ Tianna J. Mays

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